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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,862	07/28/2003	Heinrich Lang	LMX-151	3857

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McNair Law Firm, P.A.  
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Greenville, SC 29603-0827

EXAMINER
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RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
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2621

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06/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/628,862	<b>Applicant(s)</b> LANG ET AL.	
	<b>Examiner</b> Andy S. Rao	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4,7,8 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4,7,8 and 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 2-4, 7-8, 12-16 as filed on 3/22/07 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-3, 7, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michimoto (JP-56099835 hereinafter referred to as "Michimoto") in view of Robison.

Michimoto discloses a camera assembly for use in a vehicle having a cargo container having an open rear (Michimoto: figures 1-6), comprising: a camera (Michimoto: constitution, line 1); a movement apparatus (Michimoto: constitution, lines 2-4), secured with an upper rear area of the cargo area of said cargo container, mounting a camera within said upper area of said cargo container (Michimoto: constitution, lines 5-7); a closure, having a hinged flap, secured with said rear of said cargo container, said flap being movable between open and closed positions (Michimoto: constitution, lines 4-6); wherein, said movement apparatus is operative upon actuation to move said camera from inside to outside said cargo container (Michimoto: constitution, lines 6-8), said camera during said movement being operative to engage and pivot said hinged flap forming an opening through said closure to include a rear portion of said vehicle

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and an adjacent area thereto (Michimoto: figure 2), as in claim 14. However, Michimoto fails to disclose that the vehicle is a commercial vehicle having an upstanding cargo container, as in the claim. Robinson discloses the use of a camera assembly (Robinson: column 4, lines 35-45) in the rear portion of an upstanding cargo container in commercial vehicle (Robison: column 1, lines 15-35) in order to provide commercial drivers with rear views in larger cargo bearing commercial vehicles (Robison: column 7, lines 15-37). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to incorporate Michimoto camera assembly to be mounted into an upstanding cargo container of a commercial vehicle as shown in Robison in order to provide commercial drivers with rear views in larger cargo bearing commercial vehicles. The Michimoto camera assembly, now implemented in an upstanding cargo container of a commercial vehicle as shown in Robison, has all of features of claim 14.

Michimoto discloses a camera assembly for use in a cargo container of a vehicle (Michimoto: figures 1-6), comprising: a movement apparatus (Michimoto: constitution, lines 2-4), secured with an upper rear area of the cargo area of said cargo container, mounting a camera within said upper area of said cargo container (Michimoto: constitution, lines 5-7); a closure, secured with said rear of said cargo container to normally extending in a vertical position, (Michimoto: constitution, lines 4-6), said closure having a normally closed opening in an upper area generally axially aligned with said movement apparatus and said camera (Michimoto: constitution, lines 7-10); wherein, actuation of said movement apparatus moves said camera through said opening and out of said cargo container (Michimoto: constitution, lines 6-8) into a position to capture a defined field of vision in a rear area behind and adjacent to said vehicle (Michimoto: figure 2), as in claim 16. However, Michimoto fails to disclose that the vehicle is a

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commercial vehicle having an upstanding cargo container, as in the claim. Robinson discloses the use of a camera assembly (Robinson: column 4, lines 35-45) in the rear portion of an upstanding cargo container in commercial vehicle (Robison: column 1, lines 15-35) in order to provide commercial drivers with rear views in larger cargo bearing commercial vehicles (Robison: column 7, lines 15-37). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to incorporate Michimoto camera assembly to be mounted into an upstanding cargo container of a commercial vehicle as shown in Robison in order to provide commercial drivers with rear views in larger cargo bearing commercial vehicles. The Michimoto camera assembly, now implemented in an upstanding cargo container of a commercial vehicle as shown in Robison, has all of features of claim 16.

Regarding claim 13, the Michimoto camera assembly, now implemented in an upstanding cargo container of a commercial vehicle as shown in Robison, has wherein said closure is self closing (Robinson: column 5, lines 5-50), as in the claim.

Regarding claim 14, the Michimoto camera assembly, now implemented in an upstanding cargo container of a commercial vehicle as shown in Robison, has said closure rotatable about an axis, which is essentially normal to the longitudinal axis of the commercial vehicle (Michimoto: figure 1, axis for lid, element 10), as in the claim.

Regarding claim 2, the Michimoto camera assembly, now implemented in an upstanding cargo container of a commercial vehicle as shown in Robison, has wherein the movement apparatus has a linear drive (Michimoto: constitution, lines 3-5: "guide rail"), as in the claim.

Regarding claim 3, the Michimoto camera assembly, now implemented in an upstanding cargo container of a commercial vehicle as shown in Robison, has a rotary drive (Michimoto: constitution, lines 3-4), as in the claim.

Regarding claim 7, the Michimoto camera assembly, now implemented in an upstanding cargo container of a commercial vehicle as shown in Robison, has wherein said closure is rigid (Robinson: column 5, lines 5-50), as in the claim.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michimoto (JP-56099835 hereinafter referred to as "Michimoto") in view of Robison as applied to claim 16 above and further in view of Hiroyuki (JP-03266740 hereinafter referred to as "Hiroyuki").

The Michimoto-Robison combination discloses a majority of the features of claim 4, as has been discussed above concerning claim 16, but does not particularly disclose that the movement apparatus is energized by means of a shifting of the commercial vehicle into a reverse gear as claimed. However, Hiroyuki discloses a rear view confirming camera loaded on the car as shown in the figure, and teaches the conventional activation of an opening portion 7 and camera 3 in the even the vehicle is moving backwards (i.e., shifting of the vehicle into a reverse gear). Therefore, it would have been obvious to one of ordinary skill in the art, having the Michimoto, Robinson, and Hiroyuki references in front of him/her and the general knowledge of the use of cameras within vehicles for rear vehicle viewings, would have had no difficulty in providing the energizing of a movement apparatus thereby moving and activating a camera in response to a shifting of a vehicle in a reverse gear as taught by Hiroyuki as part of the camera rear view system of Michimoto-Robison combination for the same well known viewing assistance to the driver when backing up a vehicle purposes as claimed. The Michimoto camera

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assembly, now implemented in an upstanding cargo container of a commercial vehicle as shown in Robison and the Hiroyuki teaching of a energizing on rear shifting, has all of features as in claim 4.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michimoto (JP-56099835 hereinafter referred to as "Michimoto") in view of Robison as applied to claim 14 above, and further in view of Lechner.

The Michimoto-Robison combination discloses a majority of the features of claim 8, as has been discussed above concerning claim 14, but does not particularly disclose that the cargo container structure is of tarpaulin, as in the claim. However, Lechner disclose a device for reducing the aerodynamic resistance of a commercial vehicle, and teaches the conventional use of rear tarpaulins 12 of Figures 1 and 3 for sealing the rear of a vehicle as well as the capability to turn the tarpaulin upward to unload the vehicle at the rear. It is hence considered obvious to use the tarpaulin with the Michimoto-Robison combination, as part of the rear pivotable assembly for the camera opening in the rear of the vehicle in order to reduce the aerodynamic resistance of the commercial vehicle. Therefore, it would have been obvious to one of ordinary skill in the art, having the Michimoto, Robison, and Lechner references in front of him/her and the general knowledge of rear vehicle camera systems, would have had no difficulty in providing the rear tarpaulin of a vehicle as taught by Lechner to thereby provide a tarpaulin, in which at least the rear side possesses a rear tarpaulin, the opening in the tarpaulin structure is a slot, the opening in the tarpaulin container structure being a pivotal rear plate, which, in the case of a rear wall tarpaulin which is release downward, forms with this tarpaulin and essentially closed surface, and the rear plate is so movable, that a defined field of view of the rear part of the

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commercial vehicle is made available, and the movable rear plate is rotatable about an axis (A), which is essentially normal to the longitudinal axis of the commercial vehicle for the same well known use of a tarpaulin frame construction for the rear of a vehicle for ease loading and unloading purposes as claimed. The Michimoto camera assembly, now implemented in an upstanding cargo container of a commercial vehicle as shown in Robison and further incorporating the Lechner teaching of using a tarpaulin, has all of the features of claim 8.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao  
Primary Examiner  
Art Unit 2621

asr  
June 7, 2007

  
PRIMARY EXAMINER